

SUMMARY STATEMENT

Geralyn Gallagher v. Best Western Cottontree Inn, Snake River Peterson Properties, L.L.C.

Docket No. 43695

In an appeal from Bonneville County, the Supreme Court vacated the district court's judgment dismissing Geralyn Gallagher's complaint against Snake River Peterson Properties, LLC (Snake River). Gallagher sustained injuries after she fell on a wet floor of the Best Western Cottontree Inn.

When Gallagher filed her personal injury complaint, the Secretary of State's records showed that L & L Legacy Limited Partnership owned the hotel. Relying on these records, Gallagher named the partnership as the defendant. After the statute of limitations for personal injuries had expired, Gallagher learned that Snake River had purchased the hotel prior to her injury. She filed an amended complaint, adding Snake River as a defendant. Snake River moved for summary judgment, advancing the statute of limitations as its defense. The district court found that Gallagher's amended complaint did not relate back to the date she filed her original complaint and that the statute of limitations was not tolled due to Snake River's failure to file a certificate of assumed business name with the Secretary of State.

The Supreme Court found that the amended complaint did not relate back under Idaho Rule of Civil Procedure 15(c) because Snake River was unaware of the pendency of the lawsuit at the time of the expiration of the statute of limitations. Rejecting language found in its earlier decisions, the Supreme Court held that the statute of limitations will not be tolled for failure to file a certificate of assumed business name. The Court reasoned that Idaho Code section 53-509(2) provides an adequate statutory remedy. The Court vacated the district court's judgment dismissing Gallagher's complaint and remanded the case so that Gallagher could amend her complaint to assert the statutory cause of action.